

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

LEO RAYMOND,

Plaintiff,

v.

Case Number 06-14813-BC  
Honorable Thomas L. Ludington

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER ADOPTING MAGISTRATE JUDGE'S SECOND REPORT  
AND RECOMMENDATION, REJECTING MAGISTRATE JUDGE'S FIRST  
REPORT AND RECOMMENDATION, DENYING PLAINTIFF'S MOTION  
FOR SUMMARY JUDGMENT, GRANTING DEFENDANT'S MOTION  
FOR SUMMARY JUDGMENT, AND AFFIRMING COMMISSIONER'S FINDINGS**

This matter is before the Court on a second report and recommendation issued by Magistrate Judge Charles E. Binder on October 5, 2007,<sup>1</sup> recommending that the Court deny Plaintiff Leo Raymond's motion for summary judgment, grant Defendant Commissioner of Social Security's motion for summary judgment, and affirm the findings of the Commissioner. As of this date, no party has filed any objections to the magistrate judge's report and recommendation.

The plaintiff's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

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<sup>1</sup>The magistrate judge also issued a first report and recommendation on that same date, but the second report and recommendation merely contained minor typographical corrections.

Accordingly, it is **ORDERED** that the magistrate judge's second report and recommendation [dkt #16] is **ADOPTED**. The magistrate judge's first report and recommendation [dkt #15] is **REJECTED** as moot. Plaintiff's motion for summary judgment [dkt #8] is **DENIED**. Defendant's motion for summary judgment [dkt #14] is **GRANTED**. The findings of the Commissioner are **AFFIRMED**.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: October 30, 2007

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 30, 2007.

s/Tracy A. Jacobs  
TRACY A. JACOBS